

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARRY RICHARDS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner,
Social Security Administration, et al.,

Defendants.

No. C 08-1532 PJH

**ORDER GRANTING IFP
APPLICATION AND DENYING
TRO REQUEST**

Before the court is plaintiff's complaint and application to proceed in forma pauperis ("IFP"), both filed in this district on March 19, 2008, and reassigned to this court on March 21, 2008. The court, by separate order filed concurrently herewith, GRANTS the request to proceed in forma pauperis. In accordance with IFP procedures, the United States Marshal is therefore charged with serving plaintiff's complaint and any attendant papers upon the defendant. Service by the Marshal may take several months on occasion.

In addition to the complaint and IFP application, plaintiff has also filed an "emergency" motion, seeking a temporary restraining order. The court cannot act on this motion, however, until service of the underlying complaint, and the motion, is effected. Accordingly, the court must wait to rule upon plaintiff's motion, until service by the Marshal is complete.

If plaintiff wishes to expedite this process by serving the complaint and motion on defendant himself, he should appear at the clerk's office to obtain a summons, and thereafter serve defendant with the summons, complaint, motion for temporary restraining order, and any other required papers. Plaintiff must then notify the court when service is complete, and furthermore indicate whether plaintiff wishes to re-notice his motion. If so,

1 the court will schedule plaintiff's motion for temporary restraining order for immediate
2 hearing. The court accordingly DENIES plaintiff's motion for temporary restraining order.
3 The denial is only for administrative purposes, however, pending completion of service and
4 notification to the court as set forth above.

5 This order also disposes of the two "ex parte" motions filed by plaintiff on April 3,
6 2008, which seek a continued request for hearing, and for the court to order service by the
7 U.S. Marshal.

8
9 **IT IS SO ORDERED.**

10 Dated: April 7, 2008



PHYLLIS J. HAMILTON
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LARRY RICHARDS,
Plaintiff,

Case Number: CV08-01532 PJH

CERTIFICATE OF SERVICE

v.

MICHAEL J ASTRUE,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Larry Richards
2625 Alcatraz Avenue
#317
Berkeley, CA 94705-2702

Dated: April 8, 2008


Richard W. Wieking, Clerk
By: Nichole Heuerman, Deputy Clerk